

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Bleizeffer et al.	§	Group Art Unit: 2176
	§	
Serial No.: 10/712,467	§	Examiner: Dasgupta, Soumya
	§	
Filed: November 13, 2003	§	Attorney Docket No.: RSW920030160US1
	§	
For: Inline Representation of Steps in a	§	Confirmation No.: 9433
Multi-Stepped Process	§	
	§	

36736

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to Deposit Account No. 09-0461.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed April 25, 2008. The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005. This request is needed because the rejections are clearly in error.

Applicants address only the anticipation rejection of claim 1 in this paper, as the obviousness rejections all rely on the Examiner's misapplication of *Keane*. Claim 1 is:

1. (Original) A method for presenting a step of a task, wherein the task includes a series of steps to be performed, the method comprising:
 - identifying a current step within the series of steps;
 - retrieving a step component for the current step; and
 - presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps.

The examiner rejects claims 1-4, 11-14, and 24 as anticipated by *Keane, et al., Managing Print Jobs*, U.S. Patent 5,540,433 (November 18, 2003) (hereinafter "*Keane*"). However, *Keane* does not anticipate claim 1 because *Keane* does not teach the features of, "retrieving a step component for the current step," or "presenting the current step inline within the series of steps such that the step component is presented in context within the series of steps," as required in claim 1. The examiner incorrectly asserts otherwise, citing the following portions of *Keane*:

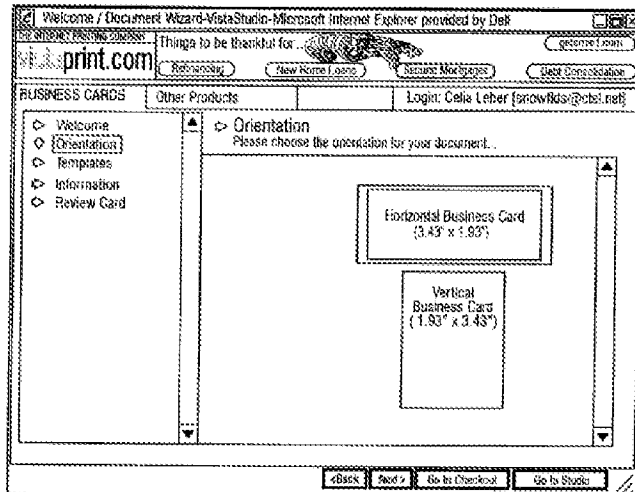


FIG. 4A

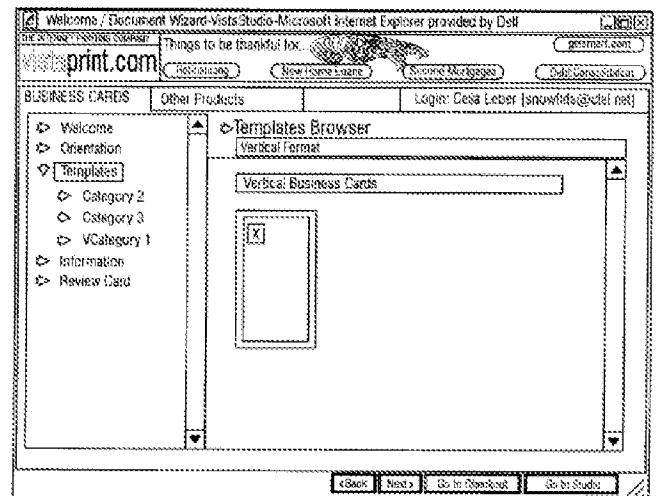


FIG. 4B

FIGS. 4-40 show webpages from a website studio used in one implementation of the invention. To begin the design process, the customer first navigates from a home page (not shown), to the Design Wizard (FIGS. 4-4E). The Design Wizard is configured to appear to the customer like a standard Windows.RTM. Wizard application, e.g., with "back", "next" and "finish" buttons, giving the customer a feeling of familiarity and user-friendliness. In the Design Wizard, the customer selects the item that the customer wishes to design

(e.g., business cards or other items, in FIGS. 4-4E). For business card design, the Design Wizard includes a Welcome screen (FIG. 4), an Orientation screen (FIG. 4A) that allows the customer to choose between horizontal and vertical cards, a Template Browser screen (FIG. 4B) that allows the customer to choose between a variety of different design templates (not shown), an Information screen (FIG. 4C) at which the customer fills in a number of fields to complete the selected design template with the customer's information, and Review screens (FIGS. 4D and 4E) that allow the customer to review the front and back of the resulting business card. After reviewing the card, the customer can decide to (a) go back and edit the card, (b) go to the Checkout (the Purchase Wizard described below), or (c) go to the Design Studio to perform more complicated design functions (e.g., changing fonts and color schemes).

Keane, col. 11, ll. 18-43.

The cited portions of *Keane* teach a computer-implemented process that enables users at client workstations to generate business cards. In context, *Keane's* claims are directed towards printing batches of business cards generated using the methods shown in figures 4A through 4O. *Keane*, claim 1, col. 22, ll. 2-18. Specifically, figure 4A shows, in the left hand portion of the screen, a list of steps taken in the process of laying out a business card to be printed; namely, “welcome,” “orientation,” “templates,” “information,” and “review card.” Applicants assume, *arguendo only*, that these steps are equivalent to the claimed “series of steps” of “a task,” as provided in claim 1.

Next, figure 4B of *Keane* shows a submenu of items under the “templates” tab; namely, *Keane* shows a series of categories. Applicants assume, *arguendo only*, that “templates” in *Keane* is equivalent to a “select template step” in the “series of steps to lay out a business card.” Next, figure 4C of *Keane* shows the details of the “information” step shown in figure 4A; namely, the document fields that should be filled.

However, none of these features or descriptive text teach the above-identified features of claim 1. Applicants address these features one at a time. First, *Keane* does not teach, “retrieving a step component for the current step.” With respect to this feature, the examiner states, “Keane teaches a system with a graphical user interface with a process with steps. The current step is a highlighted step. The user can input the settings of the current step.”

However, the examiner has misapplied *Keane* to the language of the claim. Claim 1 requires, “retrieving a step component for the current step.” *Keane* does not teach retrieving step components. In fact, *Keane* does not teach “step components” at all. In figure 4B of *Keane*, cited by the examiner, the “categories” under the “templates” step are not step components, but rather categories of templates that the user can browse. For example, a user can view any one of the

categories shown, at least at any one time. However, the categories are not part of the “templates” step, just selections of templates from which the user can choose. Hence, *Keane* does not teach “step components.”

Furthermore, as stated above, *Keane* does not teach *retrieving* such step components. Thus, *Keane* does not teach, “retrieving a step component for the current step,” as in claim 1. Accordingly, *Keane* does not anticipate claim 1.

Additionally, *Keane* does not teach, “presenting the current step inline within the series of steps *such that the step component is presented in context within the series of steps*,” as in claim 1. As described above, *Keane* does not teach step components. Thus, *Keane* does not teach that the step components are presented in context within the series of steps, as in claim 1. Hence, again, *Keane* does not anticipate claim 1.

In the final office action of April 25, 2008, the Examiner disagrees, stating that:

Keane discloses "retrieving a step component for the current step" in that the process portrays the appropriate GUI components for the step selected. (Note: Fig 7 of the application discloses a flow chart for the algorithm of the proposed invention which has Item 720 as "Retrieve Step Tile for Current Step.") In Fig 4A and 48 of Keane, when the user selects "Orientation" icon in the left frame, the right frame discloses components of a GUI that portrays Horizontal and Vertical orientation of the business card (Fig 4A); when the user selects the "Template" icon in the left frame, the right frame discloses components of a GUI that portrays the templates for the business card (Fig 48). Keane also discloses "presenting the current step inline within the series of steps such that the step component is presented in the context within the series of steps" in that in Figs 4A and 48, the "Orientation" and the "Template" icon is in line and in series (2nd and 3rd on the list respectively) with the icons that portray a process (see left frame). The "step components" are in the right frame, displaying the GUI components of the selected step that are showing segmented parts of a process.

Final office action of March 25, 2008, pp. 14-15.

The Examiner appears to be concentrating on what is shown in the figures of *Keane*, particularly with respect to Figure 4A, shown above. However, the asserted “steps” (“welcome,” “orientation,” “templates,” etc.) under the business cards tab are not *step components*. At best, each arrow is a “step” in the process, not a “*step component*” as claimed. Nevertheless, in Figure 4B, sub-arrows are shown under the “templates” category. However, these sub-arrows are not actually *components to the step* “templates” – they are simply lists of templates from which a user can select. These lists are not part of the “step components” of creating a business card, as the selection of the template is the actual step. Thus, *Keane* is not showing a step component.

Furthermore, *Keane* does not teach, “presenting the current step inline within the series of steps *such that the step component is presented in context within the series of steps.*” Again, no step component is shown, so no step component can be presented in context within the series.

Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, ***not on what the reference broadly teaches***. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Given that *Keane* is not directed to how to display steps in a process, as in claim 1, to establish anticipation the Examiner would have to show that *Keane* explicitly discloses the claimed steps. Instead, the Examiner is relying impermissibly on what *Keane* broadly teaches. Because *Keane* does not actually disclose the claimed steps, under the standards of *Kalman v. Kimberly-Clark Corp.*, *Keane* does not anticipate claim 1.

The remaining claims all contain features similar to those presented in claim 1. Therefore, *Keane* anticipates none of the claims. The obviousness rejections all rely on the Examiner’s misapplication of *Keane* to claim 1. Therefore, the obviousness rejections also fail.

The Pre-Appeal Brief Conference Panel is invited to call the undersigned at the below-listed telephone number if in the opinion of the Panel such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: July 25, 2008

Respectfully submitted,

/Theodore D. Fay/

Theodore D. Fay
Reg. No. 48,504
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants